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1948

# COMPENSATION OF LEGISLATORS

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**GEORGE H. McLAIN, Chairman**  
 Citizens' Committee for Old Age Pensions  
**FRANK E. GARDNER, Chairman**  
 Legislative Committee of California Blind  
**MYRTLE WILLIAMS, Secy.-Treas.**  
 California Institute of Social Welfare  
**JOHN W. EVANS,**  
 Assemblyman, 65th Dist.  
**GORDON R. HAHN,**  
 Assemblyman, 66th Dist.

**Argument Against Initiative Proposition No. 4**  
 Proposition No. 4 should be defeated for the following main reasons:

1. It freezes into the Constitution, at present inflated levels, the specific amount of aged and blind aid, thus making it impossible to adjust the payments to the changing business cycle and to economic conditions. Proposed payments would be out of line with all other states, and could only be adjusted by direct vote of the people.
2. Old age and blind aid, together with the costs of administration, are made a first lien against all monies in the State Treasury. This means that proposed pension payments and administration costs would have a prior claim on all State monies, including the gas tax and other special funds, ahead of school costs, teachers' salaries, State employees' salaries, State bond retirement, etc.
3. It increases taxes \$125,000,000 next year in California—an average tax increase of \$42.00 for every family. Within twelve years, taxes will be increased by \$235,000,000 a year.
4. It threatens to destroy the present system of aid to needy aged and blind in California. Its wide-open provisions will attract to California the aged and blind by the thousands from all over the United States, which would build up such a tremendous pension load in California that the entire system in this State will break down. Out-of-State migrants would thus lead to destruction and loss of present aid now enjoyed by our deserving needy aged and blind.
5. It violates all principles of states' rights by giving authority to Congress or Federal Security

Administration in Washington to amend our State Constitution without a vote of our own people.

6. It sets up a large, new State department to administer the act, but at the same time, it does not repeal or do away with any of the present administrative agencies. This results in duplicating costs and increased taxes.

7. It delegates all policy making and operation of aged and blind aid for the next two years to one of three people actually to be named and written into the Constitution and does not provide for the election of a director until 1950. By providing for an *elected* director after 1950, it would expose the rights and benefits of the aged and blind to political maneuvering every four years and make pensions a continuous political football.

8. It exposes the aged and blind to having unlimited fees charged against them by those helping to secure their pensions. Present law prohibits accepting remuneration for helping qualified pensioners secure their benefit payments.

9. It removes several important safeguards the people of California now have against unwarranted increases in the number of people claiming old age assistance.

10. Present California pension laws are known to be in conformity with requirements of the Federal Social Security Law; but if this amendment is found to be out of conformity, California will lose millions of dollars in Federal funds which we must have to finance aged and blind aid.

**VOTE NO ON PROPOSITION NO. 4**

**RAY B. WISER, President, California**  
 Farm Bureau Federation  
**ARTHUR J. WILL, Superintendent of**  
 Charities, County of Los Angeles  
**WILLIAM A. PIXLEY, Chairman of the**  
 Board, Property Owners Association of  
 California, Inc.  
**JAMES L. BEEBE, Attorney at Law,**  
 Los Angeles, California

**COMPENSATION OF LEGISLATORS. Assembly Constitutional Amendment**

**5** **No. 7.** Amends Section 23 of Article IV of the Constitution. Eliminates present provision that members of the Legislature shall receive salaries of \$100 per month. Provides that members of the Legislature shall receive such compensation as may be fixed by law, plus mileage fixed by law but not to exceed five cents per mile.

YES

NO

(For full text of measure, see page 4, Part II)

**Argument in Favor of Assembly Constitutional Amendment No. 7**

The salaries of State Senators and Assemblymen were fixed at \$100 a month by a vote of the people more than twenty years ago and have remained at that figure ever since!

The above statement is itself sufficient to bring support for this proposed constitutional amendment from all voters who want their State run efficiently by able men.

Recently (1946) the voters demonstrated awareness that California cannot be run on antiquated principles, by approving a constitutional amendment to make sessions of the Legislature obligatory annually instead of every two years.

Twenty years ago, annual legislative sessions perhaps weren't necessary to take care of the State's business. And twenty years ago, a salary of \$100 a month may have been enough for the men charged with running what has since become the third largest State in the Union.

This constitutional amendment proposes that the outdated provision freezing legislators' salaries at \$100 shall be reworded to give the Legislature power to set by law the compensation of Assemblymen and Senators, just as it now sets the salaries of the Governor, Secretary of State, members of the State Supreme Court and all other elective State officials.

Foreseeing that this fixed, rigid, \$100 salary provision in the constitution might be changed by the voters, the State Senate in the last session

passed a bill (S. B. 1564) setting Legislators' salaries at \$3000 per year, to take effect with passage of this Constitutional amendment.

SB 1564 was approved by Governor Earl Warren, is now on the statute books, and will give both Senators and Assemblymen \$250 monthly with approval of this Constitutional amendment.

With the phenomenal growth of California, its public problems have broadened and intensified, requiring more able men to handle the tremendous legislative problems, and more of the time of each man elected.

From 1920 to 1930 only three days were required for special sessions of the Legislature. The 1947 special session consumed 163 calendar days.

The regular sessions have gradually increased in length, those since 1933 being by far the longest in the history of the State. During 1947 our Legislators were required to spend approximately the first six months of the year in Sacramento, a good share of the rest of the year with committee affairs and problems of their districts.

The management of this State has simply passed beyond the stage where it can be directed by inexperienced persons on a part time basis. The Legislature is, in effect, the board of directors of one of the world's greatest corporations. At the last Legislative session it allocated expenditures of more than a billion dollars.

To expect the directors of such a vast corporation to serve for \$100 a month is obviously unreasonable and unsound public policy.

For these reasons the people of California should overwhelmingly approve this proposition.  
**LESTER A. McMILLAN,**  
 Assemblyman, 61st Dist.  
**ERNEST E. DEBS,**  
 Councilman, 13th Dist., Los Angeles

**Argument Against Assembly Constitutional Amendment No. 7**

Stripped of its legal language, proposed Constitutional Amendment No. 7 means this: *Its adoption would give to legislators the sole right to fix their own salaries and WITHOUT restraint or limitation.* This power of fixing legislative compensation is now held by the people through the State Constitution. The amendment, if adopted, will take this right away from the people! In 1941 a less drastic but similar proposal for increasing the salaries paid to our legislators was defeated by a vote of almost two to one (531,931 for to 961,023 against). This latest proposal should also be defeated for the following reasons:

1. Legislators are ONLY part-time employees and are now paid generously for services rendered. They actually work only one sixth of the time as legislators and their present compensation is based upon that fact. To illustrate: By constitutional provision a legislator is paid \$100.00 per month and in addition he is allowed \$10.00 per day for living expenses during the entire time the legislature is in session. In an ordinary two year term the legislature meets for an aggregate of 120 days and this means that each member is paid \$1200.00 for living expenses. In addition he receives payment for travelling on a mileage basis. It has been estimated that the average amount of total compensation paid to a legislator for a term (two years) is \$5000.00.

This, remember, is for 120 days of work in legislative sessions. This is payment at the rate of \$41.66 per day!

2. Legislators have anticipated the enactment of this amendment and have ALREADY fixed their salaries at \$3000.00 per year in the event No. 7 is approved. (Senator Breed's Senate Bill 1564). This is an immediate increase of \$1800.00 per year. If No. 7 were put into effect this amount could be increased whenever legislators desired to pass such law. Before the present Breed figure of \$3000.00 per year was acted upon it was proposed to make it \$5,000.00 per year! That may suggest the trend that should be expected!

3. If No. 7 carries the legislature would undoubtedly re-enact their Old-Age-Pension and Retirement Bill which provides retirement at the age of 63 upon a basis of the number of years served, not to exceed 75% of the salary received at the retirement period. Such procedure would mean additional salary by indirection according to an Attorney General's Opinion.

4. The tendency of progressive states is to fix legislative salaries in their constitutions and since 1850 no "new state has failed to regulate the matter of legislative salaries in the constitution" (C. C. Young's book on legislative history).

Proposition No. 7 should be defeated because it will deprive the people of a protection now given them in the state constitution! Present compensation in California to the members of the legislature is among the seven highest in the nation! The present payment for part-time services is fair and just! Let's keep it that way! Vote NO on Proposition No. 7!

**DAN W. GREEN,**  
 Publisher, Independent Review,  
 Los Angeles, California

**REGULATION OF COMMERCIAL FISHING. Initiative.** Amends Fish and Game Code. Prohibits use of nets, traps, set lines or other appliances in commercial fishing in fish and game districts in which San Francisco Bay and tributary and connecting bays and streams are situated, for purpose of establishing said waters as recreational fishing area. Excepts commercial fishing for crabs, clams and oysters, and certain other named varieties. Prohibits possession of nets, traps and set lines in said waters, with certain exceptions. Excepts Clear Lake and Lake Almanor. Repeals inconsistent provisions of Fish and Game Code.

YES	
NO	

(For full text of measure, see page 4, Part II)

**Argument in Favor of Initiative Proposition No. 6**

The purpose of this initiative is two-fold. It is for conservation and recreation.

It prohibits net fishing in San Francisco Bay and the Sacramento-San Joaquin Rivers in the interests of protecting salmon, shad, steelhead trout, striped bass and sturgeon on their migration from the sea to their freshwater spawning grounds. The steelhead trout, striped bass and sturgeon, which may not be sold lawfully, frequently are destroyed in commercial nets.

In order to perpetuate the supply of fish for hook and line fishermen and to maintain a supply of fish for the offshore commercial fishermen, we must permit these fish to reach their spawning grounds unobstructed, to reproduce themselves.

This measure will establish the aforementioned waters as a recreational fishing area for hook and line fishermen. California angling license sales for 1948 are estimated at one million, which is about one out of ten adults in this state. In the last ten years, the sale of angling licenses has almost tripled.

Since the fish in public waters belong to all of the people, the status of commercial fishing is rather obvious. The commercial fisherman is only one of thousands of owners of the fish. He must therefore only expect to utilize commercially those fish, which the angler does not want. The owners of the fish, that is the public, are willing to pay several times the market value of the crop in tackle, boats, bait and travel for the opportunity to harvest the fish. This represents a substantial increase to the economy of the state and nation over the market value of the present inland commercial fishery.

Expanding our recreational facilities will serve as a needed additional outlet for the recreational demands of our rapidly increasing population. It will make more clean, healthful recreation for the youth of today and safeguard this right for our youth of tomorrow.

Contrasted to these benefits, this measure will inconvenience a very small number of people. From 1941 to 1946 inclusive, according to Fish and Game records, an average of only 487 commercial fishermen netting in inland rivers sold their catch for an annual average of \$587,000, or an average \$1,200 each annually. Commercial fishing in the ocean is open to these 487 fishermen. In the past 33 years of complete records, the average annual inland commercial salmon catch in these waters has only amounted to 0.37 of one percent of the present total annual Pacific Coast salmon catch. These figures show that enactment of this measure will have relatively little effect on the price or availability of table fish for the consuming public. State law forbids the canning of river netted salmon, thus the canning industry is not affected.

All other California streams have been closed to commercial netting. These same conservation principles apply to the Sacramento-San Joaquin Rivers where more fish are involved.

We ask the voters of California to remember our youth, protect their heritage and their recreation by voting "YES" on this measure.

**GEORGE D. DIFANI,**  
 Northern California Delegate for the  
 Associated Sportsmen to the  
 Organized Sportsmen of California.

payment of the security to any person eligible as of that date, the adjustment in the amount of the security shall be made retroactive to that date.

Sec. 10. The amount required to meet the allowances made by this article and administration thereof shall constitute a lien against all moneys in the State Treasury, and the amount required for the payment or payments of the allowances herein required is hereby appropriated; in addition there is hereby appropriated the required amount of the cost of administration.

Sec. 11. No law shall be passed prohibiting or restricting the applicants or recipients of security under this article from securing and employing persons to represent them to secure the rights herein and hereafter established.

Sec. 12. If the Constitution is amended by the repeal of Sections 12 and 13 of Article XVI the liens, mortgages, and other encumbrances thereby released shall not be revived, and no law shall be passed providing for any such liens, mortgages, or other encumbrances as a condition for qualifying for the security herein granted.

#### COMPENSATION OF LEGISLATORS. Assembly Constitutional Amendment No. 7. Amends

Section 23 of Article IV of the Constitution. Eliminates present provision that members of the Legislature shall receive salaries of \$100 per month. Provides that members of the Legislature shall receive such compensation as may be fixed by law, plus mileage fixed by law but not to exceed 5 cents per mile.

YES

NO

(This proposed amendment expressly amends an existing section of the Constitution, therefore, **EXISTING PROVISIONS** proposed to be **DELETED** are printed in **STRIKE-OUT TYPE**, and **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE**.)

#### PROPOSED AMENDMENT TO THE CONSTITUTION

Sec. 23. The members of the Legislature shall receive for their

services the sum of one hundred dollars each for each month of the term for which they are elected; to be paid monthly in the even numbered years and to be paid during the regular legislative session in the odd numbered years at such times such compensation as may be provided by law and mileage to be fixed by law, all paid out of the State Treasury, such mileage not to exceed five cents (\$0.05) per mile.

#### REGULATION OF COMMERCIAL FISHING. Initiative. Amends Fish and Game Code.

Prohibits use of nets, traps, set lines or other appliances in commercial fishing in fish and game districts in which San Francisco Bay and tributary and connecting bays and streams are situated, for purpose of establishing said waters as recreational fishing area. Excepts commercial fishing for crabs, clams and oysters, and certain other named varieties. Prohibits possession of nets, traps and set lines in said waters, with certain exceptions. Excepts Clear Lake and Lake Almanor. Repeals inconsistent provisions of Fish and Game Code.

YES

NO

(This proposed law expressly repeals existing sections of and adds a new section to the existing law; therefore, **EXISTING PROVISIONS** proposed to be **REPEALED** are printed in **STRIKE-OUT TYPE**, and **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE**.)

#### PROPOSED LAW

An act to establish the waters of San Francisco Bay, the Sacramento and San Joaquin Rivers, and the waters contributory thereto as a recreational fishing area and for that purpose to repeal Sections 860, 861, 865, 878, 879, 880, 881, 882, 903, 945, 949, 950.5, and 955 of, and to add Section 860 to, The Fish and Game Code, relating to the use and possession of nets, traps and other appliances for taking fish in the waters of San Francisco Bay and the waters connected therewith or tributary or contributory thereto.

The people of the State of California do enact as follows:

Section 1. It is the purpose of this act to establish the waters of San Francisco Bay, the Sacramento and San Joaquin Rivers, and the waters contributory thereto as a recreational fishing area.

Section 2. Sections 860, 861, 865, 878, 879, 880, 881, 882, 903, 945, 949, 950.5, and 955 of the Fish and Game Code are repealed.

860. In District 12B, salmon may be taken with nets allowed to be used in said district, as follows:

(a) Between November 15th and June 15th.

(b) Between August 10th and sunrise on September 26th.

861. In district 12C, salmon may be taken with nets between November 15 and June 15, with nets allowed to be used in said district.

865. Unless otherwise provided, it is unlawful to use any net except a gill net or a trammel net to take shad. Such nets may be used to take shad only as follows:

(1) They may be used in District 12B, excluding all sloughs except Broad Slough, between March 15th and May 31st.

(2) Until May 16, 1941, they may be used in District 12C, excluding all sloughs, between February 15th and May 15th.

(3) They may not be used between sunrise Saturday and sunset of the following Sunday.

878. In district 11, drift gill nets may be used, subject to the following restrictions:

(a) The cork line must not be submerged more than 2 fathoms below the surface of the water; the lines attaching the buoys or floats to the cork line must not be more than 2 fathoms in length; and the points of attachment of said lines on the cork line must not be more than 10 fathoms apart.

(b) The length of the meshes must be either 2½ inches or less, or 2½ inches or more. The meshes must be approximately the same size; and must not vary in length more than 2 inches.

(c) They may not be used where any part of the net is nearer than 300 feet to the point where the surface of the water joins the land.

879. In district 13, drift gill nets may be used, subject to the following restrictions:

(a) They may be used to take herring, smelt and other small fish.

(b) The cork line must not be submerged more than 2 fathoms below the surface of the water; the lines attaching the buoys or floats to the cork line must not be more than 2 fathoms in length; and the points of

attachment of said lines on the cork line must not be more than 10 fathoms apart.

(c) The length of meshes must not exceed 2½ inches in length. The meshes of any gill net must be approximately the same size.

(d) They may not be used where any part of the net is nearer than 300 feet to the point where the surface of the water joins the land.

880. In District 12B, drift gill nets may be used, subject to the restrictions contained in this chapter, and the following restrictions:

(a) The cork line must not be submerged more than two fathoms below the surface of the water; the lines attaching the buoys or floats to the cork line must not be more than two fathoms in length; and the points of attachment of said lines on the cork line must not be more than 10 fathoms apart.

(b) The meshes of any gill net must be at least seven and one-half inches in length, except that between March 15th and May 31st the meshes of such nets may be not less than five and one-half inches in length.

881. In District 12C, drift gill nets may be used, subject to the restrictions contained in this chapter, and the following restrictions:

(a) The cork line must not be submerged more than two fathoms below the surface of the water; the lines attaching the buoys or floats to the cork lines must not be more than two fathoms in length; and the points of attachment of said lines on the cork line must not be more than 10 fathoms apart.

(b) The meshes of any gill net must be at least seven and one-half inches in length.

882. In district 13, drift gill nets may be used to take herring, smelt and other small fish, subject to the following restrictions:

(a) The cork line must not be submerged more than 2 fathoms below the surface of the water; the lines attaching the buoys or floats to the cork line must not be more than 2 fathoms in length; and the points of attachment of said lines on the cork line must not be more than 10 fathoms apart.

(b) The length of the meshes must not exceed 2½ inches in length. The meshes must be approximately the same size.

(c) They may not be used where any part of the net is nearer than 300 feet to the point where the surface of the water joins the land.

890. In district 12B and district 12C trammel nets may be used subject to the provisions of this chapter, and the following restrictions:

(a) The cork lines must not be submerged more than two fathoms below the surface of the water; the lines attaching the buoys or floats to the cork line must not be more than two fathoms in length; and the points of attachment of said lines on the cork line must not be more than ten fathoms apart.

(b) The meshes of any trammel net must be at least seven and one-half inches in length except that between February 15 and May 15 the meshes of such nets may be not less than five and one-half inches in length.

945. In district 11, beach nets may be used.

949. Flye nets made of cotton twine, the meshes of which are not less than two and one-half inches in length; provided, however, a one-